

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE DELTA DENTAL ANTITRUST
LITIGATION

This document relates to: ALL ACTIONS

CIVIL ACTION NO.

1:19-CV-06734

MDL NO. 2931

JOINT STATUS REPORT

Pursuant to the Court’s minute entry dated February 3, 2021 (Doc. No. 367), the undersigned parties jointly submit this Status Report to provide the Court with an update regarding the multidistrict litigation (“MDL”).

Background

This MDL centralizes twenty-eight cases filed in this and other Districts bringing claims against the Delta Dental Defendants (“Defendants”).¹ A Consolidated Amended Complaint (“CAC”) was filed on November 26, 2019. Doc. No. 96. The Court denied Defendants’ joint Motion to Dismiss the CAC on September 4, 2020. Doc. No. 303. The Court entered a Scheduling Order on September 11, 2020. Doc. No. 306. The parties last filed a Joint Status Report on February 2, 2021. Doc. No. 366.

Stipulations and Protective Orders Since Last Status Report

On July 15, 2021, the Court entered the Agreed Qualified HIPAA Protective Order that was stipulated to by the parties. Doc. No. 371. That order governs the production or disclosure of Protected Health Information (“PHI”) in this MDL.

¹ A plaintiff in one case, Drs. DelMonico and Trocchio, Ltd., was voluntarily dismissed without prejudice on April 22, 2021. Doc. No. 369.

Discovery

On December 16, 2020, Defendants served their First Set of Requests for Production of Documents Directed to Plaintiffs and their First Set of Interrogatories to Plaintiffs. Plaintiffs served their First Set of Requests for Production of Documents to All Defendants on December 28, 2020. Plaintiffs served responses and objections to Defendants' discovery requests on February 15, 2021, and Defendants served responses and objections to Plaintiffs' discovery requests on February 26, 2021.

The parties have met and conferred about their respective discovery responses on April 9, 2021, May 12, 2021, May 19, 2021, and May 27, 2021. The parties also have exchanged correspondence on March 10, 2021, March 26, 2021, April 8, 2021, April 30, 2021, July 2, 2021, July 12, 2021, and July 23, 2021. From their meet and confers and correspondence, the parties have reached agreement on many issues and identified certain areas where they remain in disagreement. Should any disputes become ripe for the Court's consideration, the parties will file an appropriate motion.

In connection with their discovery responses and ongoing meet and confers, Defendants sent Plaintiffs proposed custodian lists on June 10, 2021 and proposed search terms on June 25, 2021. Defendants also produced organizational charts on June 25, 2021, June 29, 2021, and July 2, 2021, to facilitate further discussion regarding document custodians. Plaintiffs sent Defendants proposed lists of custodians and non-custodial data sources on June 25, 2021, and provided an updated proposed custodian list, an organizational chart, and proposed search terms on July 2, 2021. Plaintiffs also sent correspondence on July 23, 2021 requesting that Defendants supplement their proposed custodians and search terms. The parties' discussions regarding custodians and search terms are ongoing.

Fact discovery currently is set to close on July 1, 2022. Doc. No. 306 ¶ E(d).

NEXT STATUS REPORT

The parties respectfully request that their next joint status report be due in approximately 60 days, on or about October 5, 2021, to allow them an opportunity to update the Court on their continuing discussions regarding discovery, custodians, and search terms and to alert the Court to any impending disputes.

Dated: August 2, 2021

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CERTIFICATE OF SERVICE

I, Britt M. Miller, an attorney, hereby certify that on August 2, 2021, I caused a true and correct copy of the foregoing **JOINT STATUS REPORT** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and separately via email to counsel of record. Parties may access this filing through the court's CM/ECF System.

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